

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-CR-00105-RJC

USA

v.

DARRYL EUGENE MILLS

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ORDER

THIS MATTER is before the Court upon motion of the defendant through counsel for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines regarding drug offenses, (Doc. No. 85), counsel's subsequent notice of ineligibility, (Doc. No. 93); and the government's response in opposition, (Doc. No. 90).

The Court previously reduced the defendant's sentence to 120 months' imprisonment for Count One, the mandatory minimum applicable to his drug offense, based on other amendments to the guidelines. (Doc. No. 83: Order; Doc. No. 94: Supplemental Presentence Report at 1). Accordingly, the recent change in the guidelines does not affect the defendant's sentence. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum); United States v. Hood, 556 F.3d 226, 233 (4th Cir. 2009).

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 85), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Federal Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: November 15, 2016



Robert J. Conrad, Jr.
United States District Judge

